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# CBS Producer Reasserts Politics Led to Low Estimates of Enemy Strength

By M. A. FARBER

George Crile, the producer of a disputed CBS documentary on the Vietnam War, testified yesterday that he believed when the broadcast was made that Gen. William C. Westmoreland had reduced enemy strength estimates in 1967 for "political reasons."

The information he gathered for the January 1982 broadcast, Mr. Crile said in Federal District Court in Manhattan, convinced him that "the best intelligence was stopped, and stopped for political reasons, and all that followed was colored by that fact."

Mr. Crile, who appeared as the 14th witness for CBS in the trial of General Westmoreland's \$120 million libel suit, was questioned extensively about his state of mind during the preparation of the documentary in 1981. The 39-year-old producer, who is also a defendant in the case, had previously been called to the stand by lawyers for General Westmoreland and testified for nine days as a "hostile" witness. Much of his testimony yesterday resembled his earlier answers.

To prevail in his suit, General Westmoreland must prove that the material in the 1982 broadcast was defamatory, related to him and false. As a public figure, he must also establish that the false statements were made with knowledge that they were false or with "reckless disregard" for their truth or falsity. The latter element has come to be known as a "state of mind" issue.

The 17-week-old trial is now expected to end later this month. Judge Pierre N. Leval allotted each side 150 hours to present direct evidence and cross-examine; General Westmoreland has used about 140 hours, and CBS 125.

## Working on Charge to Jury

At least one juror, for personal reasons, has asked in recent days to know when the trial will finish. Yesterday, Judge Leval requested a list of CBS's remaining witnesses, and indicated that, in consultation with the lawyers, he had considerable work to do on the charge he will give to the jury.

One of the many points on which the litigants are still at odds is an acceptable definition of the "categories of evidence" that relate to the question of recklessness. Judge Leval said yesterday that CBS may be seeking to exclude too much.

"I think there are a lot of things, like

bias, like not interviewing witnesses, a number of other subjects," the judge said out of the presence of the jury, "which, while they may not be sufficient evidence to make out recklessness," may be "appropriate evidence on that issue."

General Westmoreland, who commanded United States troops in Vietnam from 1964 to 1968, contends that the documentary, "The Uncounted Enemy: A Vietnam Deception," defamed him by saying that he had lied to President Johnson and the Joint Chiefs of Staff about the size and nature of North Vietnamese and Vietcong forces in late 1967.

The broadcast charged that, for political and public relations reasons intended to show that the war was being won, the general's command had deliberately understated enemy strength. It said that General Westmoreland had imposed an "arbitrary ceiling" of 300,000 on estimates of that strength, mainly by deleting the Vietcong's self-defense forces from the military listing of enemy capabilities known as the order of battle.

Besides Mr. Crile, the individual defendants are Mike Wallace, the narrator of the broadcast, and Samuel A. Adams, a former Central Intelligence Agency analyst who was a paid consultant for the program.

## Estimate Cut in Half

Mr. Adams, like some C.I.A. colleagues and military analysts, favored a total-enemy-strength estimate in 1967 of approximately 500,000 to 600,000. General Westmoreland's command argued, successfully, for a figure approximately half that size.

Mr. Wallace is expected to testify in the next week or two. When Mr. Adams was on the stand last month, David Boies, a lawyer for CBS, led him over the broadcast in much the fashion he did yesterday with Mr. Crile. As the documentary was shown on the half-dozen television sets in the courtroom, the witness was asked whether he believed various statements in it at the time it was made, and why.

At one stage Mr. Crile and others in the courtroom were jolted by a loud commercial for a detergent that inadvertently had not been removed from the program. Later, video technicians who are paid jointly by the parties to the lawsuit had equipment trouble that

necessitated an hour's interruption.

It showed, Mr. Boies quipped to the jury, that "not every problem in a broadcast is intentional."

Mr. Crile testified that he did not believe General Westmoreland had been "forthright and straight with us" when he was interviewed for the documentary in May 1981.

## A 'Desk Analyst'

From other sources, Mr. Crile said, he believed that the quarrel over enemy strength in 1967 between the C.I.A. and General Westmoreland's command had been "long and bitter" and "over critical issues." And while C.I.A. headquarters was thousands of miles away from Vietnam, he said, such agency analysts as Mr. Adams and George W. Allen, the C.I.A.'s deputy chief of Vietnamese affairs, had spent much time in the war zone and were perhaps even more knowledgeable about the enemy's capabilities than was the military.

But General Westmoreland, Mr. Crile pointed out, had insisted in his interview that "the C.I.A. was very remote; we were on the scene" and that the argument over enemy strength was

"rather absurd, and didn't last very long." Moreover, the witness said, the general "presented the clear impression that his officers' intelligence command" were in full accord with the military position "and that the C.I.A. had only had this sort of minor difference of opinion" because of Mr. Adams — this "desk analyst" as he put it.

This, Mr. Crile told the jury, was "completely contradictory" to what he was learning elsewhere.

The producer said he believed in 1981 not only that General Westmoreland's actions had led to a "perversion" of the intelligence-gathering process but also that the White House and the Pentagon were deceived by command's "dishonest" position.

He noted that General Westmoreland, in his interview, had said that "the people in Washington," as well as "the media," were "not sophisticated enough to understand and evaluate this thing" about enemy strength. But "the people in Washington," that the general meant, Mr. Crile said, referring to an interview question that was not in the broadcast, had to have included President Johnson and the Joint Chiefs.